

**U.S. District Court
Eastern District of Virginia – (Alexandria)
CIVIL DOCKET FOR CASE #: 1:19-cv-00500-AJT-MSN**

Watts Constructors, LLC v. Department Of Defense et al
Assigned to: District Judge Anthony J Trenga
Referred to: Magistrate Judge Michael S. Nachmanoff
Cause: 05:552 Freedom of Information Act

Date Filed: 04/24/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Watts Constructors, LLC

represented by **Sara Beiro Farabow**
Seyfarth Shaw LLP (DC)
975 F Street, NW
Washington, DC 20004
202-8283591
Email: sfarabow@seyfarth.com
ATTORNEY TO BE NOTICED

Defendant

Department Of Defense

represented by **John E. Swords**
US Attorney's Office (Alexandria-NA)
2100 Jamieson Avenue
Alexandria, VA 22314
NA
703-299-3700
Email: John.Swords@usdoj.gov
LEAD ATTORNEY

Meghan Elizabeth Loftus
United States Attorney's Office
(Alexandria)
2100 Jamieson Avenue
Alexandria, VA 22314
NA
703-299-3757
Email: meghan.loftus@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Department of the Army

represented by **John E. Swords**
(See above for address)
LEAD ATTORNEY

Meghan Elizabeth Loftus
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**United States Army Special Operations
Command**

represented by **John E. Swords**
(See above for address)
LEAD ATTORNEY

Meghan Elizabeth Loftus
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/24/2019	<u>1</u>	Complaint against Department of Defense, Department of the Army, United States Army Special Operations Command (Filing fee \$ 400, receipt number 0422-6606916.), filed by Watts Constructors, LLC. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18, # <u>19</u> Exhibit Exhibit 19, # <u>20</u> Exhibit Exhibit 20, # <u>21</u> Exhibit Exhibit 21, # <u>22</u> Letter Rule 7.1 Disclosure, # <u>23</u> Civil Cover Sheet Civil Cover Sheet)(Farabow, Sara) Modified text on 4/24/2019 (klau,). (Entered: 04/24/2019)
04/24/2019	<u>2</u>	Proposed Summons re <u>1</u> Complaint,, <i>Department of Defense</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>3</u>	Proposed Summons re <u>1</u> Complaint,, <i>Department of the Army</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>4</u>	Proposed Summons re <u>1</u> Complaint,, <i>United States Army Special Operations Command</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019	<u>5</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/24/2019)
04/24/2019		Initial Case Assignment to District Judge Anthony J Trenga and Magistrate Judge Michael S. Nachmanoff. (klau,) (Entered: 04/24/2019)
04/25/2019	<u>6</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Defense (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>7</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Defense (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>8</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Army (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>9</u>	Proposed Summons re <u>1</u> Complaint,, <i>to Department of Army (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>10</u>	Proposed Summons re <u>1</u> Complaint,, <i>to USASOC (serve Attorney General)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/25/2019	<u>11</u>	Proposed Summons re <u>1</u> Complaint,, <i>to USASOC (serve US Attorney)</i> by Watts Constructors, LLC. (Farabow, Sara) (Entered: 04/25/2019)
04/26/2019	<u>12</u>	Summons Issued for service by SPS as to Department Of Defense (serve U.S. Attorney and U.S. Attorney General), Department of the Army (serve U.S. Attorney and U.S. Attorney General), United States Army Special Operations Command (serve U.S. Attorney and U.S. Attorney General) NOTICE TO ATTORNEY: Print out two electronically issued summons and one copy of the attachments for each defendant to be served with the complaint. (Attachments: # <u>1</u> Notice)(klau,) (Entered: 04/26/2019)
05/15/2019	<u>13</u>	AFFIDAVIT of Service for Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on Department of Defense on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau,). (Entered: 05/15/2019)
05/15/2019	<u>14</u>	AFFIDAVIT of Service by Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on Department of the Army on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau,). (Entered: 05/15/2019)
05/15/2019	<u>15</u>	AFFIDAVIT of Service by Certified Mail as to U.S. Attorney, U.S. Attorney General for Summons, Complaint, Exhibits, Civil Cover Sheet, and Rule 7.1 Disclosure served on United States Army Special Operations Command on May 1, 2019, filed by Watts Constructors, LLC. (Farabow, Sara) Modified text on 5/15/2019 (klau,). (Entered: 05/15/2019)

05/30/2019	<u>16</u>	NOTICE of Appearance by Meghan Elizabeth Loftus on behalf of Department Of Defense, Department of the Army, United States Army Special Operations Command (Loftus, Meghan) (Entered: 05/30/2019)
05/30/2019	<u>17</u>	Consent MOTION for Extension of Time to File Response/Reply <i>to Plaintiff's Complaint</i> by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Proposed Order)(Loftus, Meghan) (Entered: 05/30/2019)
05/30/2019	<u>18</u>	ORDER granting <u>17</u> Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge Michael S. Nachmanoff on 5/30/2019. (rban,) (Entered: 05/30/2019)
06/07/2019	<u>19</u>	MOTION to Dismiss for Failure to State a Claim by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/07/2019)
06/07/2019	<u>20</u>	Memorandum in Support re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/07/2019)
06/07/2019	<u>21</u>	Notice of Hearing Date re <u>19</u> MOTION to Dismiss for Failure to State a Claim (Loftus, Meghan) (Entered: 06/07/2019)
06/10/2019	<u>22</u>	SCHEDULING ORDER: Initial Pretrial Conference set for 7/3/2019 at 11:00 AM in Alexandria Courtroom 400 before Magistrate Judge Michael S. Nachmanoff. Final Pretrial Conference set for 10/17/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J. Trenga. Discovery due by 10/11/2019. Signed by District Judge Anthony J. Trenga on 6/10/2019. (Attachments: # <u>1</u> Magistrate Consent, # <u>2</u> Pretrial Notice)(dzir) (VACATED PER ORDER OF AJT 06/20/19) Modified on 6/20/2019 to add text (pmil,). (Entered: 06/10/2019)
06/10/2019		Set Deadlines as to <u>19</u> MOTION to Dismiss for Failure to State a Claim . Motion Hearing set for 7/12/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar,) (Entered: 06/10/2019)
06/14/2019	<u>23</u>	MOTION to Vacate <u>22</u> Scheduling Order, by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Proposed Order)(Loftus, Meghan) (Entered: 06/14/2019)
06/14/2019	<u>24</u>	Memorandum in Support re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Loftus, Meghan) (Entered: 06/14/2019)
06/14/2019	<u>25</u>	Notice of Hearing Date re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, (Loftus, Meghan) (Entered: 06/14/2019)
06/17/2019		Set Deadlines as to <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, . Motion Hearing set for 6/21/2019 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar,) (Entered: 06/17/2019)
06/19/2019	<u>26</u>	RESPONSE to Motion re <u>23</u> MOTION to Vacate <u>22</u> Scheduling Order, filed by Watts Constructors, LLC. (Farabow, Sara) (Entered: 06/19/2019)
06/20/2019	<u>27</u>	ORDER that the Deft's <u>23</u> Motion to Vacate the Scheduling Order be, and the same hereby is, GRANTED; this Court's initial <u>22</u> Scheduling Order be, and the same hereby is, VACATED; and discovery is STAYED pending resolution of Defts' Partial Motion to Dismiss [Doc. 19]; the hearing on Defts' Motion to Vacate the Scheduling Order {Doc. 23}, currently scheduled for Friday, 06/21/19, be, and the same hereby is, CANCELLED. Signed by District Judge Anthony J Trenga on 06/20/19. (pmil,) (Main Document 27 replaced on 6/20/2019 with Order containing correct case number) (pmil,). (Entered: 06/20/2019)
06/21/2019	<u>28</u>	Memorandum in Opposition re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Watts Constructors, LLC. (Farabow, Sara) (Entered: 06/21/2019)
06/27/2019	<u>29</u>	REPLY to Response to Motion re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by Department Of Defense, Department of the Army, United States Army Special Operations Command. (Attachments: # <u>1</u> Exhibit 1)(Loftus, Meghan) (Entered: 06/27/2019)

06/28/2019	<u>30</u>	NOTICE of Appearance by John E. Swords on behalf of Department Of Defense, Department of the Army, United States Army Special Operations Command (Swords, John) (Entered: 06/28/2019)
07/12/2019	<u>31</u>	Minute Entry for proceedings held before District Judge Anthony J. Trenga: Motion Hearing held on 7/12/2019 re <u>19</u> MOTION to Dismiss for Failure to State a Claim filed by United States Army Special Operations Command, Department of the Army, Department Of Defense. Counsel appeared for Plaintiff and Defendant. Motion argued and granted in part/denied in part. The parties are directed to schedule a settlement conference with Magistrate Judge Nachmanoff. Order to follow. (Court Reporter R. Montgomery)(dzir) (Entered: 07/12/2019)
07/12/2019	<u>32</u>	ORDERED that Defendant's Partial Motion to Dismiss <u>19</u> be, and the same hereby is, GRANTED to the extent that the Court finds as a matter of law that Plaintiff is precluded from challenging Defendants' response to any inquiries other than the "narrowed" search terms and date range agreed upon in Plaintiff's March 8, 2018 email; and the Motion is otherwise DENIED. Signed by District Judge Anthony J. Trenga on 7/12/2019. (dzir) (Entered: 07/12/2019)